

Public Meeting

On

Draft Program Guidelines

May 2007



Presentation Order

Welcome and Introductions

Local Levee Grant Program (LLGP)

- Flood Protection Corridor Program (FPCP)
- Next Steps and Close



FloodSAFE California:

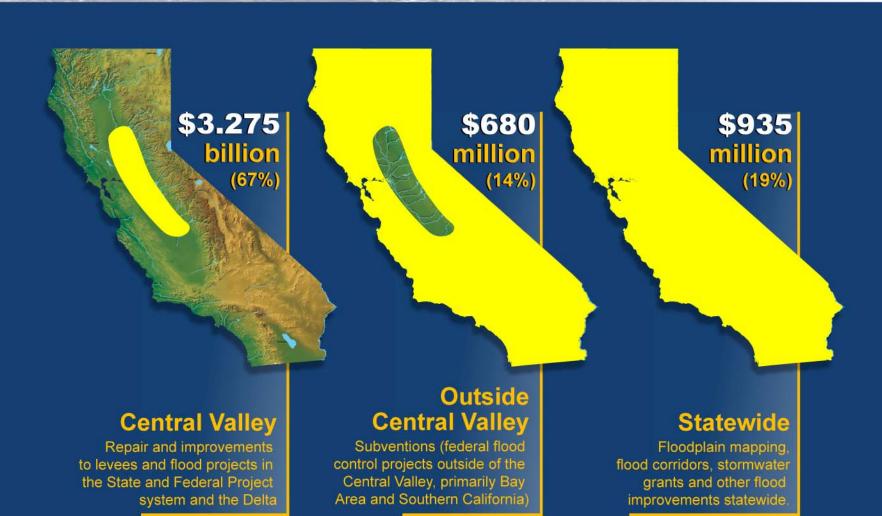
A strategic initiative under development by DWR to improve flood protection for the people of California

The goals of FloodSAFE California are:

- 1. Reduce flood risk to the people of California, their homes and property, the State's infrastructure, and the public trust resources.
- 2. Develop a sustainable flood management system for the future.
- 3. Reduce the adverse consequences of floods when they do occur.



Where bond funding can be spent





Local Levee Grant Program



Draft Guidelines

Purpose:

To establish the process and criteria to solicit applications, evaluate proposals, and award grant funds.

- -Local Levee Urgent Repairs
- Local Levee Evaluations



Draft Guidelines

- Program Definitions
- General Requirements
- Selection Process
- Agreements
- Reporting and Recordkeeping
- Local Levee Urgent Repairs Grants
- Local Levee Evaluations Grants



- Program Definitions
- General Requirements
- Selection Process
- Agreements
- Reporting and Recordkeeping
- Local Levee Urgent Repairs Grants
- Local Levee Evaluations Grants



Program Definitions

Key Definitions:

- Critical Damage means levee, bank, or internal erosion that renders a levee system incapable of safely carrying the design flood flow.
- **Evaluation** means all testing, lab analyses, engineering evaluation, report preparation, and related activities to determine the structural condition of a levee.
- Levee means an embankment intentionally constructed for the purpose of preventing overflow of a watercourse.
- Local in reference to a levee means not part of the State Plan of Flood Control and not located within the legal boundary of the Sac-SJ Delta.



Program Definitions

Key Definitions (cont'd):

 State Plan of Flood Control – means facilities that are part of either the Sacramento River Flood Control Project, the San Joaquin River Flood Control Project, or other flood control feature in the Central Valley for which the State has constructed the feature and/or provided the nonfederal assurances of operation and maintenance to the federal government.

Key Acronyms:

- LOLE means Local Levee Evaluations
- LLUR means Local Levee Urgent Repair
- PSP means Proposal Solicitation Package



- ✓ Program Definitions
- General Requirements
- Selection Process
- Agreements
- Reporting and Recordkeeping
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- Local Levee Evaluations Grants



Qualifications of Applicants

- Local public agency or organization representing more than one local public agency in eligible area
- Must be qualified or authorized to enter in contracts with the State
- LLUR Applicants must document ability to ensure operation and maintenance of completed project



Conditions for Program Funding

- Grant funds are available Statewide, excluding facilities that are part of the State Plan of Flood Control and facilities located within the Sac-SJ Delta.
- Project sponsor must:
 - ✓ Develop a work plan satisfactory to DWR.
 - ✓ Demonstrate its compliance with the California Labor Code.
 - ✓ Provide a finance plan demonstrating its ability to complete the project or evaluation.



Payments

- Cost-Sharing: DWR will grant up to 50% of the estimated cost of the work.
- Sponsors' contribution must be non-State.
- Grant Caps:
 - √\$5,000,000 per applicant for LLUR grants
 - √\$1,000,000 per applicant for LOLE grants
- Payments are made in arrears. Invoice form to be provided by DWR.



- Reimbursement or Credit Prior to Execution of LLUR Agreement
- Retention of Funds
 - DWR will retain 10% of all approved payments.
- Project or Evaluation Acceptance
 - DWR will notify sponsor of project or evaluation acceptance based on satisfaction of identified criteria.
- Sponsor must provide a Maintenance Plan for LLUR Projects.



- ✓ Program Definitions
- ✓ General Requirements
- Selection Process
- Agreements
- Reporting and Recordkeeping
- Local Levee Urgent Repairs Grants
- Local Levee Evaluations Grants



Selection Process

- Project or evaluation proposals will be solicited by DWR.
- Eligible local public agencies apply for grants using the prescribed application form.
- DWR may hold Applicant Assistance Workshops as needed.
- Applications must be <u>received</u> by the deadline identified in the Proposal Solicitation Package (PSP).



Selection Process

- Competitive Review Process
 - A Consensus Rating Team (CRT) will be assembled.
 - All CRT members will evaluate all applications, to the extent possible, using the criteria stated in the guidelines appendices.
 - The CRT will complete its review and rating of the applications within 60 days.
 - Within 30 days following CRT review, a Selection Panel will generate a priority and funding list.



Selection Process

Selection Panel

- A Selection Panel consisting of DWR managers will be convened to review the types, consensus scores, and comments from the CRT.
- The Selection Panel will make funding recommendations for submittal to DWR's Director.
- DWR's Director will determine the final priority order and funding amounts.



- ✓ Program Definitions
- ✓ General Requirements
- ✓ Selection Process
- Agreements
- Reporting and Recordkeeping
- Local Levee Urgent Repairs Grants
- Local Levee Evaluations Grants



Agreements

Three types of agreements:

1. Grant Agreement

Reimbursement Agreement for LLUR Grants

3. Credit Agreement for LLUR Grants



- ✓ Program Definitions
- ✓ General Requirements
- ✓ Selection Process
- ✓ Agreements
- Reporting and Recordkeeping
- Local Levee Urgent Repairs Grants
- Local Levee Evaluations Grants



Reporting and Recordkeeping

- Progress Reports
 - Sponsor is required to submit progress reports at least quarterly.
 - Reports will be used to evaluate reimbursement requests (invoices) and track project or evaluation status.
 - Reports shall coincide with a reimbursement request and be made at completion of each identified milestone.
 - Information to be included in the report is identified in guidelines.



Reporting and Recordkeeping

Final Report

- Sponsor or local lead agency is required to submit a final report to DWR within 30 days after project or evaluation completion.
- Final Report shall include:
 - ✓ Records of expenditures
 - √ Time period covered by report
 - ✓ Submittal of any required products that were not submitted previously
 - ✓ For LLUR projects, pre-project, in-progress, and post-project photographs
 - ✓ For LLUR projects, an approved Maintenance Plan



- ✓ Program Definitions
- ✓ General Requirements
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- Local Levee Urgent Repairs Grants
- Local Levee Evaluations Grants



LLUR Grants

- Projects will put into effect designs accepted by DWR as part of the application review process. (See Section VIII.B. for design info.)
- Sponsor must obtain all required permits.
- Application requirements are listed in Section VIII.C., which include
 - Project description
 - Evidence meets definition of local levee and justification for urgency
 - Evidence of compliance with CEQA, CESA, Labor Compliance Code, and other local, State and federal laws, regulations, etc.



LLUR Grants

- Application requirements also include:
 - Schedule for project completion;
 - Cost estimate;
 - Project finance plan, including the amount of State funds requested; and
 - Feasibility study and designs supporting the project



LLUR Grants

- Eligible costs include only actual costs directly related to:
 - Performing design activities in accordance with an accepted feasibility study and CEQA compliance document;
 - Advance preparation of right of way acquisition;
 - Costs to construct project; and
 - Costs to prepare grant application, but not to exceed 2% of total project cost.



- ✓ Program Definitions
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LOLE Grants

- Evaluate the stability of local levees and determine its susceptibility to seepage and underseepage.
- Will produce a written report of test sites, field and laboratory data, and results of engineering analyses.
- Sponsor must obtain all required permits.



LOLE Grants

- Application requirements are listed in Section IX.B., which include
 - Description of evaluation and map showing test sites
 - Evidence meets definition of local levee
 - Evidence of compliance with California Labor Code
 - Task breakdown for the evaluation;
 - Schedule for completion of the evaluation;
 - Cost estimate; and
 - Project finance plan, including the amount of State funds requested.



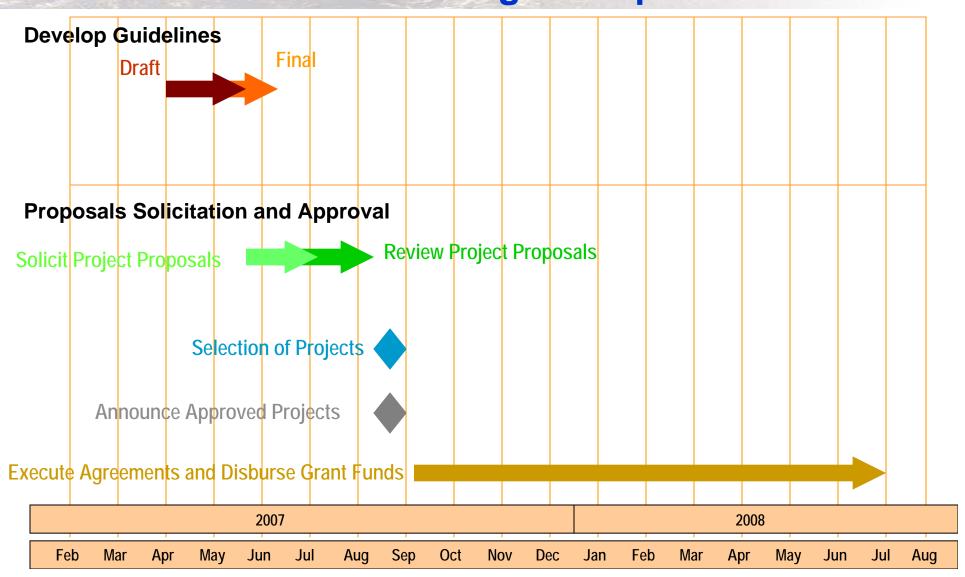
LOLE Grants

- Eligible costs include only actual costs directly related to:
 - Conducting rotary wash drilling, core drilling, cone penetration, or other acceptable tests;
 - Performing laboratory tests on the resulting samples;
 - Performing engineering analyses; and
 - Reporting on results.

Note: Admin costs, overhead, grant application preparation costs, and all other expenses will be considered included in the amounts paid for all of the above.

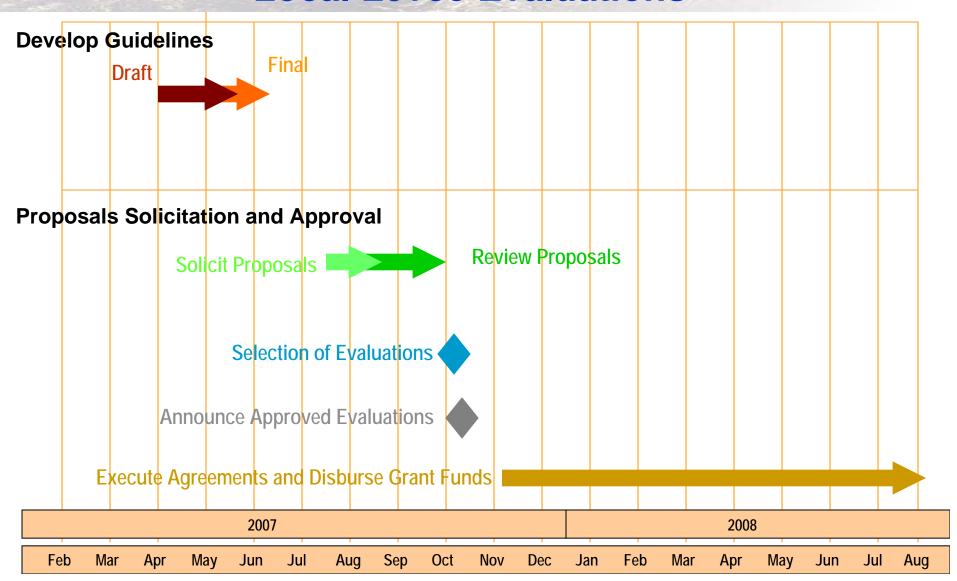


Local Levee Urgent Repairs





Local Levee Evaluations





Local Levee Grant Program Comments Process

- Extended deadline is May 11, 2007
- Responses to comments are being prepared and will be posted on the web

at: http://www.floodsafe.water.ca.gov/



Local Levee Grant Program

Application Process

- Application forms and instructions will be posted on the web site: http://www.floodsafe.water.ca.gov/
- There will be a series of workshops in early June to address application-related questions.
- Questions can also be submitted by e-mail to floodsafe@water.ca.gov



Flood Protection Corridor Program



Draft Guidelines

Purpose:

To establish the process and criteria to solicit applications, evaluate proposals, and award grant funds.

- Flood Protection Corridor Program
 - (FPCP)



Draft Guidelines

Purpose continued:

The FPCP guidelines implement Section 75032.5 of Chapter 1 of Division 43 of the Public Resources Code (the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006)



Draft Guidelines

Topics Covered:

- Program Definitions
- General Requirements
- Selection Process
- Agreements
- Reporting and Recordkeeping
- Flood Protection Corridor Grants



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- Program Definitions
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Program Definitions

Key Definitions:

- Applicant means an entity that is acting as the principal party making an application for funding under the provisions of the Act
- A List means the preferred priority list of projects
- B List means the reserve priority list of projects
- Property interest means any right in real property, including easement, fee title, and any other kind of right acquired by legally binding



Program Definitions

Key Definitions (continued):

 Nonprofit organization – means an organization that does not operate for profit and has no official governmental status, including but not limited to clubs, societies, neighborhood organizations, advisory councils, conservation organizations and privately run local community conservation corps



Program Definitions

Key Definitions (continued):

- Local public agency means any political subdivision of the State of California, including but not limited to any county, city, city and county, district, joint powers agency, or council of governments
- Sponsor means an applicant who has received grant funding through the application process described in these regulations



Topics Covered:

- ✓ Program Definitions
- General Requirements
- Selection Process
- Agreements
- Reporting and Recordkeeping
- Flood Protection Corridor Grants



Qualifications of Applicants

- Local public agency, a nonprofit organization, or organization representing more than one local public agency in eligible area
- Must be qualified or authorized to enter into contracts with the State
- Must assure that the project will be operated, maintained, repaired, replaced, and rehabilitated until determined otherwise



Conditions for Program Funding

- Grant funds are available if located at least partially in one or more of the following:
 - √ FEMA Special Flood Hazard Area (SFHA)
 - √ Floodway designated by The Reclamation Board
 - ✓ Area that would be inundated if the project were completed and an adjacent FEMA Special Flood Hazard Area were inundated
 - ✓ Area below the elevation of the 100-year recurring flood, shown on a locally adopted base flood elevation map (per hydrologic/hydraulic analyses)



- Conditions for Program Funding continued
 - Project sponsor must:
 - ✓ Develop a work plan satisfactory to DWR
 - ✓ Demonstrate its compliance with the California Labor Code
 - ✓ Provide a finance plan demonstrating its ability to complete the project



- Eligible Projects must:
 - ✓ Restore, enhance, and protect
 - ✓ Use California Conservation Corps or community conservation corps whenever feasible
 - ✓ Unless the Department has considered all practical alternatives, not acquire a property interest in fee



• Eligible Projects (continued):

- ✓ All proposed acquisitions of property interests are from willing sellers
- ✓ For acquisitions of property interests, a public hearing has been held before acquiring the property interest
- ✓ Certified the completed project will be maintained, using a trust fund established with grant funds if necessary



- Eligible Projects (continued):
 - ✓ For acquisitions of property interests, or if a need is indicated in environmental review documentation prepared for the project pursuant to CEQA, a plan to minimize the impact of the project on adjacent property owners



Payments

- No <u>required</u> cost-share, however, non-State matching funds will improve the applicant's competitiveness (score)
- Fiscal Year 2007-08 to disburse \$25 million
- Grant Cap of \$5M per applicant
- Costs incurred by the sponsor are reimbursed except...



- Payments (continued)
 - -Certain costs are not reimbursed until:
 - Required CEQA and other environmental laws are met
 - Required permits are obtained
 - Required public hearing for acquisition of property rights is held and documented



- Payments (continued)
 - Are contract defined; can be for completed work based upon:
 - Completion of project milestones
 - Made monthly or quarterly in arrears upon receipt of invoices
 - For property rights acquisitions, payment can be made at the time of purchase directly into escrow



- No reimbursement or credit prior to execution of grant agreement
- Retention of Funds
 - DWR may retain up to 10% of all approved payments.
- Project or Evaluation Acceptance
 - DWR will notify sponsor of project or evaluation acceptance based on satisfaction of identified criteria.
- Sponsor must provide a Maintenance Plan



Topics Covered:

- ✓ Program Definitions
- ✓ General Requirements
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- Flood Protection Corridor Grants



- Project or evaluation proposals will be solicited by DWR
- Eligible local public agencies, non-profits, apply for grants using the prescribed application form
- DWR may hold Applicant Assistance Workshops as needed
- Applications must be <u>received</u> by the deadline identified in the Proposal Solicitation Package (PSP)



- Competitive Review Process
 - Based on review of submittals, DWR will establish two priority lists of projects after each solicitation of proposals
 - Within those lists, the Department shall prioritize projects on a project value (score) derived from a numeric evaluation of applications as set forth in the grant application form



- Competitive Review Process (continued)
 - In establishing the project value, DWR shall consider the criteria in Sections IV, V and VI of the grant application form, giving a preidentified value to each section
 - To assist in evaluating individual project applications, the Department may consult with the applicant, interested stakeholders, local agencies, State agencies or federal agencies with an interest in or jurisdiction (as defined)



- Selection Panel
 - DWR's Director will determine the final priority order and funding amounts



Topics Covered:

- ✓ Program Definitions
- ✓ General Requirements
- √ Selection Process
- Agreements
- Reporting and Recordkeeping
- Flood Protection Corridor Grants



Agreements

One type of agreement:

Grant Contract



Topics Covered:

- ✓ Program Definitions
- ✓ General Requirements
- √ Selection Process
- ✓ Agreements
- Reporting and Recordkeeping
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Reporting and Recordkeeping

Progress Reports

- Sponsor is required to report progress as a prerequisite to each grant funds disbursement
- Payment may be withheld if progress is not satisfactory
- Contract specifies payment percentage (~10%)
 withheld to ensure completion of the project
- DWR shall have access at all times to monitor the effectiveness of maintenance of the completed facilities and the properties



Reporting and Recordkeeping

Final Report

- Sponsor or local lead agency is required to submit a final report to DWR within 30 days after project or evaluation completion.
- Final Report shall include:
 - √ Records of expenditures
 - √Time period covered by report
 - ✓ Key issues that must be resolved
 - ✓ Results of project monitoring
 - ✓ Pre-project, in-process (restoration activities and techniques), and post-project photographs
 - ✓ An approved Maintenance Plan



Reporting and Recordkeeping

- (a) All sponsor records and documents pertaining to the grant shall be maintained by the sponsor until three years after the final payment of grant funds is made
- (b) All sponsor records and documents pertinent to the grant shall be available for inspection and audit by the Department or the State Auditor during normal business hours
- (c) The Department or the State Auditor may audit the records of the project at any time within three years after final payment of grant funds.



Topics Covered:

- ✓ Program Definitions
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The FPCP goals are to provide for the protection, creation, and enhancement of flood protection corridors through grant funding of four types of actions:



Activity 1:

Acquiring easements and other interests in real property from willing sellers to protect or enhance flood protection corridors and floodplains while preserving or enhancing the agricultural use of the real property



Activity 2:

Setting back existing flood control levees and, in conjunction with undertaking those setbacks, strengthening or modifying existing levees



Activity 3:

Acquiring interests in real property from willing sellers located in a floodplain that can not reasonably be made safe from future flooding



Activity 4:

Acquiring easements and other interests in real property from willing sellers to protect or enhance flood protection corridors while preserving or enhancing the wildlife value of the real property



- Project "value" derived from a numeric evaluation of applications
- •Value is based upon competitive evaluation of responses to application Sections IV through VI



- Section IV Flood Protection Benefits potential:
 - Existing and potential urban development in the floodplain
 - -Flood damage reduction benefits
 - Restoration of natural processes, etc.



- Section V Wildlife and Agricultural Land Conservation Benefits potential:
 - For Wildlife Benefits:
 - Habitat values refer to the ecological value and significance of the habitat features [of the proposed project]
 - <u>Viability</u> refers to the site's ability, after restoration if necessary, to remain ecologically viable with minimal on-site management over the long-term, and to be able to recover from any natural catastrophic disturbances (fire, floods, etc.)



- Section V Wildlife and Agricultural Land Conservation (continued):
 - For Agricultural Land Conservation Benefits:
 - Potential productivity of the site as farmland
 - Need and urgency for farmland preservation measures



- Section VI Miscellaneous Benefits and Quality of Proposal:
 - Size of request, other contributions, number of persons benefiting, cost of grant per benefited person
 - Quality of effects on water supply or quality
 - Quality of impact on underrepresented populations or historic or cultural resources, etc.



- Application requirements are listed in the Guidelines' Section 7, and include but are not limited to:
 - Description of the proposed project
 - Maps and drawings describing the project
 - Proposed property acquisition rights particulars
 - Evidence that affected landowners are willing participants

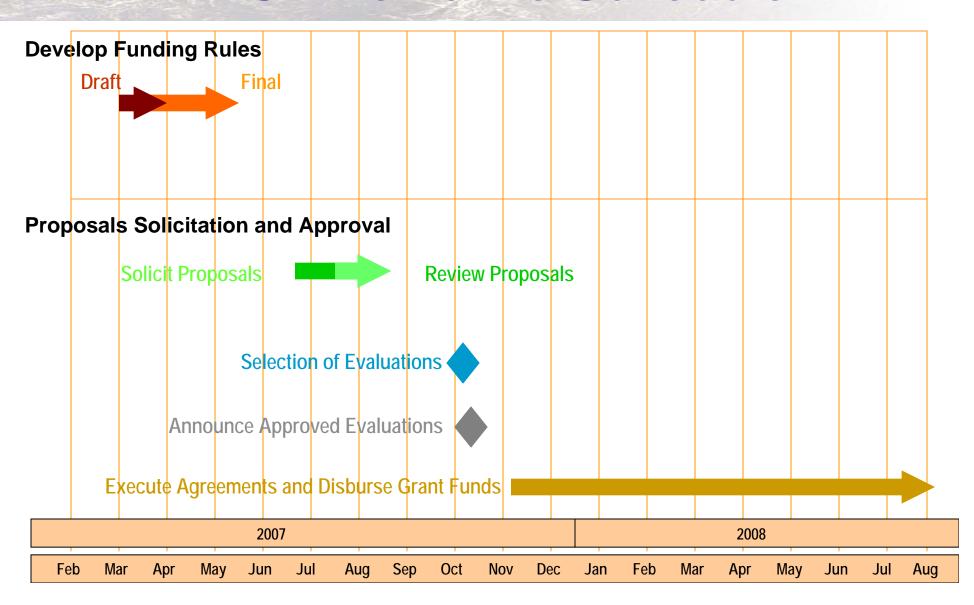


- Application requirements (continued):
 - -Work plan, task itemization
 - Timeline for completion of the proposed project
 - Description of the input and participation of local groups
 - Statement relative to the use of a trust fund for maintenance, or any proposed alternative



Department of Water Resources

FPCP Tentative Schedule





Flood Protection Corridor Program

Comments Process

 Responses to comments are being prepared and will be posted on the web

at: http://www.floodsafe.water.ca.gov/



Flood Protection Corridor Program

Application Process

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QUESTIONS